

Below is the Order of the Court.



A handwritten signature in black ink, appearing to read "CM Alston".

Christopher M. Alston
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

Judge Christopher M. Alston

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:) CHAPTER 7
) CASE NO. 16-15759-CMA
)
LELAND P. DAVIS AND JANA DAVIS,)
) ORDER FOR SALE OF REAL
) PROPERTY OF THE ESTATE FREE
) AND CLEAR OF LIENS AND
Debtors.) INTERESTS AND FOR RELATED
) RELIEF

THIS MATTER having come regularly before the above signed judge of the above-entitled court upon the Trustee's Motion for Sale of Real Property of the Estate Free and Clear of Liens and Interests and for Related Relief (Docket No. 56, hereafter the "Motion"). The Court considered the Motion, the Trustee's declaration in support of the Motion (Docket No. 56-1) which includes a copy of the purchase and sale agreement attached thereto (hereafter called the "Agreement"), the Debtors' objection to the Motion (Docket No. 66), the Trustee's memorandum in support of the Motion (Docket No. 79) with supporting declarations (Docket Nos. 79-1 and 79-2), the Debtors' reply to the Trustee's memorandum (Docket No. 81) with supporting declaration (Docket No. 81-1), the Trustee's supplemental declarations

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in support of the Motion wherein he advised that he signed an addendum to the Agreement increasing the sale price from \$1,150,000 to \$1,190,000 (Docket No. 112), the Trustee's second supplemental declaration in support of the Motion with attached copy of the written consent to sale from Shellpoint, the serving agent for the senior secured creditor The Bank of New York Mellon fka The Bank of New York as Trustee for the certificateholders of CWABS Inc., asset backed certificates, series 2007-3 (hereinafter the, "Bank"), which confirms an increase in the buyer's premium/carve out from \$60,750 to \$62,750 (Docket No. 119), and the pleadings and records in the above entitled case. The Court finds that (a) proper notice of the Motion was given; (b) that the subject matter of the Motion is a matter that is properly before the Court and within its core jurisdiction; (c) that the sale of the real property of the bankruptcy estate subject to the Motion identified below (hereinafter the "Property", a legal description of which is attached hereto as Exhibit A) to the party identified in the Motion and below herein (hereinafter the, "Buyer") is in the best interest of the Estate pursuant to 11 U.S.C. §363(f) and other applicable law and should be authorized on the terms and conditions contained in the Agreement; (d) the proposed buyer is a bona fide good faith purchaser for value and should be authorized to purchase the Property; (e) the Trustee should be authorized, in his discretion, to execute any agreements, instruments, or other documents which he deems necessary to carry out the sale and this order; and (f) the Motion should be granted in all respects. NOW, THEREFORE,

IT IS HEREBY ORDERED as follows:

1. The Motion is granted.

2. The Trustee is authorized to sell the Property, in accordance with the Agreement, on the following terms and conditions:

Street address of property to be sold with abbreviated legal description/tax parcel no.: 3624 NW 65th Court, Seattle, WA 98117/Lt. 1, Blk. 11, Ballard's 4 Acre Home Tracts, Tax Account No. 048600-0575-08

Buyer: Carmel Mountain 3 LLC (hereafter the, "Buyer")

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Sale price: \$1,190,000.00 or such higher price as the parties may agree in order to close the sale

Buyer's Premium (Carve-Out)/Total Funds from Buyer: \$62,750.00/\$1,252,750.00 plus applicable closing costs, if any, of buyer

Primary terms of sale: Cash at closing (20 days after Court approval or later if agreed); contingent on Buyer's right to inspection and feasibility study

Costs of sale: The Trustee will pay costs of sale customarily paid by sellers in King County real estate sales including but not limited to real estate agent commission, title insurance premium, real estate excise taxes, one-half of the escrow costs, etc. Buyer will pay \$181 filing fee for Motion.

Known encumbrances and approximate/estimated amount of claims:

(1) Deed of Trust - The Bank - \$1,300,000.000

(2) Utility liens or charges - The amount and existence of any such liens or charges are presently unknown or will not be known until closing

(3) Easements, covenants, restrictions, reservations, and dedications shown of record.¹

3. The Buyer is deemed a good faith purchaser for value.

4. The sale of the Property to the Buyer shall be "as is, where is" without any representations or warranties, express or implied, of any kind.

5. The sale of the Property shall be free and clear of any and all liens and interests with any such liens and interest to attach to the proceeds of sale as though those proceeds were the Property with said liens and interests to be satisfied from said proceeds.

6. Notwithstanding the foregoing, the Trustee is authorized to pay from the proceeds of sale at closing the above named secured claims in the order of their liens to the extent funds are available as well as the costs and other charges related to sale identified herein.

7. The buyer's premium/carve out of at least \$62,750 is approved.

¹The actual extent or amount of secured claims may be more or less than what is shown.

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8. At least one half of the funds received by the bankruptcy estate from the sale shall be for distribution to pre-petition creditors with allowed claims. If those creditors are paid in full, any remaining funds may be available for administrative expenses.

9. The Trustee is authorized to execute any agreements, instruments, or other documents which he determines at his discretion may be necessary to carry out the sale and this order.

10. The Court's ruling on the record is incorporated by reference herein.

11. This is a final order in accordance with applicable rules of bankruptcy procedure and applicable law.

///End of Order///

Presented by:

KRIEGMAN LAW OFFICE, PLLC

/s/ Bruce P. Kriegman

Bruce P. Kriegman, WSBA # 14228
Attorney for Trustee

Approved as to form; Notice of
presentation waived:

SYMMES LAW GROUP, PLLC

please see attached signature
per e-mail authorization

Richard J. Symmes, WSBA# 41475
Attorney for the Debtors

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Presented by:

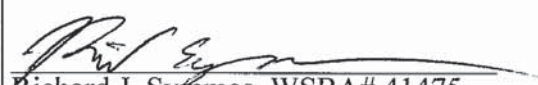
KRIEGMAN LAW OFFICE, PLLC

/s/ Bruce P. Kriegman

Bruce P. Kriegman, WSBA # 14228
Attorney for Trustee

Approved as to form; Notice of
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SYMMES LAW GROUP, PLLC


Richard J. Symmes, WSBA# 41475
Attorney for the Debtors

ORDER - 4

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EXHIBIT A

Below is the Order of the Court.
EXHIBIT A TO ORDER FOR SALE OF REAL PROPERTY OF THE ESTATE FREE
AND CLEAR OF LIENS AND INTERESTS AND FOR RELATED RELIEF (legal
description)

Exhibit "A"

**The West 87.00 feet of the South half of Lot 1, Block 11, Ballard's 4 Acre Home Tracts
according to the Plat thereof recorded in Volume 9 of Plats, page 69, in King County,
Washington.**

Except the South 91.00 feet thereof;

AND EXCEPT a portion thereof described as follows:

Beginning at the Southwest corner of said Lot 1;

Thence Northerly along the Westerly line thereof 8.00 feet;

**Thence Southeasterly on a straight line to an intersection with the
Southerly line of said Lot at a point 8.00 feet Easterly of the Southwest
Corner thereof;**

Thence Westerly along said Southerly line 8.00 feet to the point of beginning.

Situate in the County of King, State of Washington.

Tax Account No. 048600-0575-08